

# **TITLE 14. Fish and Game Commission**

## **Notice of Proposed Changes in Regulations**

**(Continuation of California Notice Register Z02-0521-18, No. 22-Z,  
and Meetings of June 20, 2002 and August 2, 2002.)**

**NOTE:** The Fish and Game Commission is exercising its powers under Section 202 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. See Updated Informative Digest changes shown in **bold face** type.

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 208, 215, 220, 355 and 356 of said Code, proposes to amend Section 300(a).

### **Updated Informative Digest/Policy Statement Overview**

Existing regulations [section 300(a)(1)(D)(4)] allow 200 two-bird permits for the East Lassen Zone, 75 two-bird permits for the Central Lassen Zone, 25 one-bird permits for the North Mono Zone, and 25 one-bird permits for the South Mono and Inyo Zone. Under the current regulatory cycle, the first Fish and Game Commission notice hearing date for sage grouse regulation changes occurs in May. However, the final sage grouse population survey results are not available until after the date that the Department must submit proposed regulation changes to the Commission. The Department proposes a range of maximum and minimum hunting permit numbers to the Commission, with the provision that the actual number of permits recommended for each hunt will be based on April strutting ground and June brood count surveys.

The proposed ranges are 10 to 375 permits for the East Lassen Zone, 10 to 175 permits for the Central Lassen Zone, 10 to 100 permits for the North Mono Zone, and 10 to 100 permits for the South Mono and Inyo Zone.

**Existing regulations [Section 300(a)(1)(A)(1)] provide that the season for hunting pheasants is from the second Saturday in November extending for 30 consecutive days. The Department accepted a public proposal to extend the season for two weeks. The Department is now proposing to the Commission that the pheasant hunting season open on the second Saturday in November, and extend for 44 days. The Department believes that this will provide additional hunting opportunity, with no adverse effects on pheasant populations. Most other states have pheasant hunting seasons from six to twelve weeks. Only male**

pheasants may be legally taken, and post-season composition counts conducted on heavily-hunted state wildlife areas in California show rooster to hen ratios well above those needed to assure that all hens are fertilized the following spring. Consequently, there is no sound biological reason for not allowing a longer pheasant hunting season. An additional benefit of a longer season is that some landowners may be more likely to consider pheasant habitat needs when making land management decisions. This would also benefit numerous other wildlife species.

Existing sage grouse hunting regulations [Section 300(a)(1)(D)4] allow 200 two-bird permits for the East Lassen Zone, 75 two-bird permits for the Central Lassen Zone, 25 one-bird permits for the North Mono Zone, and 25 one-bird permits for the South Mono and Inyo Zone. Under the current regulatory cycle, the first Fish and Game Commission notice hearing date for sage grouse regulation changes occurred in May. However, the final sage grouse population survey results necessary for setting hunting quotas are not available until June. The Department proposes a range of maximum and minimum permit numbers to the Commission, with the provision that the actual number of permits recommended for each hunt zone will be based on spring grouse population surveys. The originally proposed ranges are 10 to 375 permits for the East Lassen Zone, 10 to 175 permits for the Central Lassen Zone, 10 to 100 permits for the North Mono Zone, and 10 to 100 permits for the South Mono and Inyo Zone. The final recommendations for permit quotas were determined following spring strutting area surveys in each zone.

**Recommended permit numbers are as follows:**

**East Lassen Zone: 100 two-bird permits**  
**Central Lassen Zone: 40 two-bird permits**  
**North Mono Zone: 10 one-bird permits**  
**South Mono and Inyo Zone: 10 one-bird permits**

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Hall, City Council Chambers, 990 Palm Street, San Luis Obispo, on Friday, August 2, 2002, at 8:30 a.m. or as soon thereafter as the matter is heard. It is requested, but not required, that written comments may be submitted on or before July 26, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but must be received no later than August 2, 2002 at the hearing in San Luis Obispo. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review

from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. Tom Blankinship, Department of Fish and Game, (916)445-3615 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov/fg-comm/>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

#### Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The nature of these regulatory changes is directed at wise stewardship and would have no significant adverse effect on businesses.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
  
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John M. Duffy  
Assistant Executive Director

Date: July 2, 2002